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C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 000507

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [UNSC](#) [PK](#)

SUBJECT: PAKISTAN MISSION DELIVERS REQUEST FOR
INTERNATIONAL COMMISSION ON BHUTTO ASSASSINATION

Classified By: AMBASSADOR ZALMAY KHALILZAD, FOR REASONS 1.4 B/D

¶1. (C) Summary: Pakistan PermRep Akram told Ambassador Khalilzad on June 6 that he met with the Secretary-General on the same day, and had given him a letter (included below) asking the UN to establish an "international commission" to investigate the assassination of former Prime Minister Benazir Bhutto. The UN publicly acknowledged receiving the letter during a June 6 press conference, but did not reveal any details. Akram said this request for an international commission has not/not been raised with Embassy Islamabad. He urged the Ambassador to encourage the Secretary-General to respond affirmatively to the request. End summary.

¶2. (C) Key points of the Pakistani letter to the Secretary-General are:

- The Secretary-General should establish an international commission in response to a request by the Government of Pakistan, with no/no role for the Security Council.
- The international commission should consist of 5-6 eminent personalities (eg, ex-Prime Ministers, international jurists) appointed by the Secretary-General in consultation with Pakistan; also a secretariat
- Pakistan will pay for the commission, but would welcome voluntary contributions
- The commission should sit in Geneva but can visit Pakistan where the government will assist with meetings, access, etc
- The commission should finish its report no later than 9 months following its establishment; Pakistan would decide whether the report is made public
- Upon completion of the report, the government of Pakistan will decide whether to take further action on its conclusions/recommendations

¶3. (SBU) Begin letter:

Excellency,

As you know the twice elected former Prime Minister of Pakistan and the Muslim world's first elected woman Prime Minister Shaheed Mohtarma Benazir Bhutto was assassinated on December 27, 2007 shortly after addressing a public election rally in Rawalpindi, Pakistan.

The assassination was widely mourned both within Pakistan and throughout the international community.

The Security Council in its Presidential statement of 18th October, 2007 had already condemned in the strongest terms an earlier failed attempt to assassinate Ms. Bhutto by a bomb attack in Karachi which left hundreds dead and wounded.

Ms Bhutto's assassination on 27th December, 2007 was again strongly condemned by the Security Council on that date by the following statement:

"The Security Council condemns in the strongest terms the terrorist suicide attack by extremists that occurred in Rawalpindi, Pakistan, on 27 December, 2007, causing the death of former Prime Minister Benazir Bhutto and numerous other casualties, and expresses its deep sympathy and condolences to the victims of this heinous act of terrorism and their families, and to the

people and the Government of Pakistan. The Security Council pays tribute to former Prime Minister Bhutto.

"The Security Council calls on all Pakistanis to exercise restraint and maintain stability in the country.
"The Security Council underlines the need to bring perpetrators, organizers, financiers and sponsors of this reprehensible act of terrorism to justice, and urges all States, in accordance with their obligations under international law and resolution 1373 (2001) and consistent with resolution 162(2005), to cooperate actively with the Pakistani authorities in this regard.

"The Security Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.

"The Security Council further reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts. The Council reminds States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.

"The Security Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations."

Following Ms Bhutto' s assassination her family as well as

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the Pakistan Peoples Party, the political party which Ms. Bhutto led, had urged the then Government of Pakistan to request the United Nations to establish an Independent Commission to investigate the assassination of Ms. Bhutto. On April 13, 2008, the Parliament (National Assembly) of Pakistan unanimously recommended that the Government of Pakistan get former Prime Minister Shaheed Mohtarma Benazir Bhutto's assassination investigated by an International Commission. The resolution stated as under:

"This House mourns the tragic assassination of Shaheed Mohtarma Benazir Bhutto resulting in colossal loss to the people of Pakistan as well as the world. This House recommends that the government should approach the United Nations to get the tragic assassination of Shaheed Mohtarma Benazir Bhutto probed by forming an International Commission to be known as '(ShaheedMohtarma Benazir. Bhutto Commission' to identify the culprits, perpetrators, organizers and financiers behind this heinous crime and bring them to justice". (A copy of the resolution is attached at Annex N1). This resolution was passed unanimously by the National Assembly representing various diverse political parties of Pakistan (including the opposition). All the four Provincial Assemblies of Pakistan namely Punjab, Sindh, NWFP and Baluchistan also unanimously passed similar resolutions urging the Government of Pakistan to approach the United Nations for an independent probe into the assassination of Shaheed Mohtarma Benazir Bhutto. (Copies of the 4 provincial resolutions are attached as Annex N2 to N5).

Pursuant to the above mentioned resolution of the Parliament (National Assembly) of Pakistan, I have the honour on behalf of the Government of Pakistan to formally request Your Excellency to establish an International Commission for the purpose of investigating the assassination of Shaheed Mohtarma Benazir Bhutto in order to "identify the culprits, perpetrators, organizers and financiers behind this heinous crime" and to submit its findings to the Government of Pakistan as soon as possible.

The Government of Pakistan attaches the highest importance to this request. We look forward to discussing - with Your Excellency all relevant modalities ensuing from this request

at Your Excellency's earliest convenience.
Please accept, Excellency, the assurances of my highest
consideration.

(Makhdoom Shah Mahmood Qureshi)

His Excellency
Mr. Ban Ki-Moon,
Secretary General of the United Nations, New York

Attachments: Annex All to A15

.Non-Paper

1) Name of the UN Commission Of Inquiry:

"Shaheed Mohtarma Benazir Bhutto Commission"

2) Source of Authority of the Commission:

The UNSG will establish the Commission in response to the request of the Government of Pakistan.

3) Terms of Reference:

To identify the culprits, perpetrators, organisers and financiers behind the assassination of Shaheed Mohtarma Benazir Bhutto with a view to bringing them to justice.

4) Composition of the Commission:

i) The Commission may consist of 5-6 Eminent Personalities (ex-P.Ms, F.Ms, International Jurists) of known integrity and repute to be appointed by the UNSG in consultation with the Government of Pakistan.

ii) The Government of Pakistan may suggest some names of such eminent persons for the Secretary General's consideration.

iii) The Commission may, with the assistance of the ONSG and the Government of Pakistan, select the required number of qualified experts to assist it in conducting the investigation in accordance with the terms of reference.

iv) The UNSG may also designate a small Secretariat to assist the Commission in its work.

5) Access for the Commission's Inquiry

¶1. The Government of Pakistan shall ensure free and complete access to the Commission to all sources of information

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necessary to enable it to exercise its functions (as set out in its terms of reference) (including evidence, relevant sites, witnesses and suspects).

¶2. If required, the Commission may request the governments of other States to extend it their cooperation to discharge its mandate.

6) Financing

The Government of Pakistan will bear the costs of the work of the Commission, as determined by the UNSG. However, the Government of Pakistan would welcome voluntary funding from any other source to meet part of these costs.

7) Meeting Visits

¶1. The Commission's meetings may be held at the UN's European Headquarters in Geneva. It would also visit Pakistan, as appropriate, in the course of its work.

¶2. The Commission's team of experts would be expected to visit/stay in Pakistan (Islamabad) in the course of the inquiry. The Government of Pakistan will provide them with

the necessary physical and other facilities to enable them to perform their functions in accordance with the Commission's terms of reference.

8) Report of the Commission

The Commission may submit its Report to the Government of Pakistan, in fulfilment of its terms of reference, as soon as possible and not later than 9 months from the date of its establishment.

9) Follow-UJ2 Action

Upon the submission of the, Commission's Report, the Government of Pakistan will determine the further action required at the national and/or international level to bring to justice the culprits, perpetrators, organizers and financers behind the assassination of Shaheed Mohtarma Benazir Bhutto.

10) Confidentiality of the Work of the Commission

The proceedings of the Commission, the work of the experts appointed by the Commission, and their reports and findings shall be confidential at all times. On submission to the Government of Pakistan of the Commission's final Report, the Government of Pakistan shall determine whether and when to make this public.

Khalilzad